GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department – Appeal Petition filed by Sri Dokku Phaneedra Prasad, S/o Suryanarayana, Principal, Government Polytechnic, Visakhapatnam District against the proceedings R.Dis.No.C5/249/2014, dated 08.01.2018 of the District Collector, East Godavari, under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders -Issued.

SOCIAL WELFARE (CV.1) DEPARTMENT

G.O.Ms.No.65 Dated: 06.11.2020.
Read the following:

1. Proceedings of the District Collector, East Godavari, R.Dis.No. C5/249/2014, dated 08.01.2018.
2. Appeal Petition filed by Sri Dokku Phaneedra Prasad, Principal, Government Polytechnic, Visakhapatnam District before the M(SWE&TWE), Endt.No. 1072/SW&TW/2018, dated 14.03.2018.
3. Govt. Memo No.1138271/CV.1/2018, dated: 15.03.2018.
4. From the District Collector, East Godavari, Lr.Rc.C5(M)249/2014, dated 05.06.2018.
5. From Sri S. Raghavendra Reddy, representation dated 21.08.2018, along with Hon'ble High Court orders dated 25.07.2018 in WP.No.25811/2018.
6. Govt. Memo No.1138271/CV.1/2018, dated: 29.11.2018 & 29.12.2018.
7. Govt. Memo No.1138271/CV.1/2018, dated: 30.08.2019 & 11.09.2019.
8. CC.No.916 of 2020 in WP.No.25811 of 2018 filed by Sri S. Raghavendra Reddy of East Godavari Dist.
9. From the Dist. Collector, East Godavari, Lr.Rc. C5(M) 249/2014, Dated 22.09.2020.
10. Govt. Memo No.1138271/CV.1/2018, dated: 24.09.2020.

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ORDER:

In the reference 1st read above, the District Collector, East Godavari has issued orders canceling the SC–Beda (Budaga) Jangam caste certificate obtained from the then Tahsildar, Tuni in the year 1982 and RDO, Peddapuram in the year 2007 respectively, by Sri Dokku Phaneedra Prasad, S/o Suryanarayana.

2. In the reference 2nd read above, Sri Dokku Phaneedra Prasad, S/o Suryanarayana, has filed appeal petition before the Government, against the Proceedings of the District Collector, East Godavari. After examining the said Appeal Petition, Government have admitted the Appeal Petition & granted stay on the proceedings of the District Collector, East Godavari and called for the para-wise remarks and connected records from the District Collector, East Godavari in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, East Godavari has furnished the Para-wise remarks and the connected records on the Appeal Petition filed by Sri Dokku Phaneedra Prasad, S/o Suryanarayana.

4. In the reference 5th read above, Sri S.Raghavendra Reddy, Kakinada, East Godavari has filed WP.No.25811 of 2018 against the stay granted by the Government. The Hon'ble High Court vide orders dated 25.07.2018 have directed the Government to dispose off the appeal petition within the (3) months from the date of receipt of the court orders. Sri S. Raghavendra Reddy has represented for implementation of said Court Orders.

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5. The said Appeal Petition has been posted for hearing on 15.12.2018, 05.01.2019, 19.09.2019 & finally on 01.10.2020 and the same has been informed to the Appellant and the Counsel for the Appellant in the references 6th, 7th & 9th read above, with a request to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government.

6. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant/ the para-wise remarks submitted by the District Collector, East Godavari and proceedings of the District Collector, East Godavari, dated 08.01.2018, the Appellate Authority has observed that :

I. The Appellant in his grounds has stated that;

1. He belongs Beda Jangam community, his forefathers, grandfather, his father and at present his uncle (his father's brother) in his native place of Kotananduru(V), used to follow and practice the community system of performing funeral rites i.e., follow the corpse in any of the families by blowing conch (Sankham) and ringing the bell in front of the corpse to the burial ground and after completion of the last rites the family members of the deceased person used to pay some money or dakshin. They were 100% non vegetarians, widow marriages are permissible in their families and called as Jangam or JangamDevara in public even though they were Beda Jangams.

2. The authorities were not given Bedajangam caste certificates prior to 1977 as their caste was restricted to Telangana area only. The Beda Jangam community comes in the list under SC category, as per "The scheduled castes and scheduled tribes (Amendment) Act 1976, No.108 of 1976 (18th September, 1976) in which the Beda Jangam community was declared throughout the state without any area restriction.

3. Prior to issue of Act 108 of 1976 and G.O.Ms.No.538, dt:15.12.1977, in the school records and employees service records, the caste entry of Beda Jangam people was recorded as Jangam or Jangam Devara as they were not issued Beda Jangam caste certificate as their caste was restricted to Telangana region only. As such his school entry and his father’s service records were recorded as Jangam.

4. His father has applied for Beda Jangam caste certificate to him in the year 1982 and the then Tahasildar, Kotananduru has issued him certificate as Beda Jangam after thorough and proper enquiry through village elders, other community people in and around the villages of Kotananduru as our customs, habits, social Status, Traditions and the way of living his community and also his school records at that time which was recognized as Beda Jangam and followed all these customs and traditions of their caste even today in his native village and nearby villages of doing funeral rites for B.C and SC/ST communities and family tradition of begging alms in Makara Sankranthi days.

5. During the course of his joining in BE course during 1982, his admission was kept in abeyance, pending enquiry by Director of Social Welfare. Then Director of Social Welfare has properly and completely enquired into his social status after verifying his school records, neighbors, village elders, social status, his father service record and concerned GOs at that time and issued him the clearance certificate stating that his social status is found correct, then he was permitted to pay fee and admitted.

6. In the year 2007, he has applied for permanent integrated community certificate to RDO, Peddapuram and after conducting detailed enquiry into his social status through MRO, Kotananduru, village elders, other community people, people representatives; RDO, Peddapuram issued the permanent integrated caste certificate and also based on the recommendations of Sarpanch/ Secretary, Village Panchyat, village elders, MRP, and nearby villages elders and recommended by MRO duly following the guidelines. There are so many instances like him where the enquiry officers (District Collectors) have followed the guidelines and conducted enquiries.

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7. The DLSC in his report among others, it was mentioned that Beda Janagam caste comes under BC-A in Andhra and Rayalaseema area which is it not correct, because in GO it was mentioned as Bedajangam caste exit in Telangana area. He was allotted to the State of AP in AP Reorganization in allotment of staff to both states in view of option and representation irrespective of G.O.Ms.No.144.

8. The enquiry conducted by Tahsildar, Kotanaduru, RDO, Peddapuram and DLSC and District Collector has not followed any prescribed existing guidelines of Govt. / court orders and procedures (G.O.MS.No.58) and without giving any weightage to the documentary evidences submitted by him and principles of natural justice as per Constitutional norms.

II. The District Collector, East Godavari has furnished the following parawise remarks on the Appeal Petition:

1. As seen the records filed by the petitioner and report of the Revenue Divisional Officer, Peddapuram, the respondent's caste was recorded as Jangamdevara at the time of his School Admission. Later, i.e. at the time his higher education, the Respondent obtained the caste certificate as Beda (budaga) Jangam-SC for reservation purpose. The records filed by the respondent failed to confirm that he belongs to Beda (budaga) Jangam caste. The respondent has also obtained caste certificate to his daughter namely Dokku Tejeswani Surya Sal Gayathri as Scheduled caste fraudulently and obtained Engineering seat in JEE-2014 from NIT, Surathkal, Karnataka State under SC reservation category.

2. According to the above analyses, Dokku Phaneendra Prasad and his family come under JANGAM DEVARA which come under B.C category, but not come under Beda (budaga) Jangam S.C. caste. Hence, the caste certificate issued to Dokku Phaneendra Prasad and his daughter Dokku Tejaswi Suyra Sai Gayatri and other family member with Surname of DOKKU are to be cancelled. The committee unanimously recommended to the Collector to cancel the Beda (Budaga) Jangam SC caste certificates issued to Sri Dokku Phaneendra Prasad and Dokku Tejaswi Surya Sai Gayatri.

3. Before taking a decision on the recommendation of the DLSC, an opportunity was given by the Collector to appear before him along with recorded evidences in support of their caste claim. The documents produced by the claimant are only the government G.O's werein instructions were given for issue of caste certificates, but not evidences in support of the claim of the individual.

4. The claimant produced copies of caste certificates which were issued previously, the copies of service book, copies of several instructions of the Government issued from time to time in respect of issued of caste certificates and copies of the orders of the other District Collector's. All these evidences were already placed before the DLSC and they were examined and not considered and recommended for cancellation of caste (SC-Beda Jangam) certificate issued to Sri Dokku Phaneendra Prasad and his daughter Dokku Tejaswi Surya Sai Gayathri.

5. The DLSC, has conducted field level enquires and also examined the recorded evidence produced by the appellants in the light of orders and instructions issued by the Government from time to time and finally recommended for cancellation of Beda (Budaga) Jangam SC caste certificates obtained by them. Based on the findings of the DLSC, the District Collector has cancelled the appellants SC-Beda (Budaga) Jangam caste certificate.

The District Collector, East Godavari in his fresh report has stated that:-

1. The RDO, Peddapuram has conducted fresh enquiry with the Tahsildar about the whereabouts of Sri Dokku Phaneendra Prasad, S/o Suryanarayana at Kotananduru Village and Mandal on 21.09.2020 and enquired Sri Dokku Ganapathi, the paternal uncle of Sri Dokku Phaneendra available at that time, who mentioned his caste as Beda Jangam “SC” issued by the then Tahsildar, Tuni in the year 1982.

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2. Statements of Sri Dokku Ganapathi aged about 64 years and mediators of Kotananduru Village who are having more than 60 years of age, were recorded. Sri Dokku Ganapathi has stated that his father Sri Dokku Gurulingam got three sons 1) Dokku Suryanarayana 2) Dokku Mallikarjuna Rao and 3) Dokku Ganapathi. They used to go burial grounds for funeral rites along with dead body of all caste by blowing the cone (sankham) and ringing bell and during pongal season, he used to go to house to house for begging. Sri Dokku Suryanarayana, F/o Dokku Phaneendra Prasad, who is his elder brother retired as Secondary Grade Teacher and presently residing at Municipal Bank Colony, Tuni.
3. The Village elders have stated that Sri Dokku Ganapathi is the 3rd son of Dokku Gurulingam and his caste is Beda Jangam and confirmed the above work done by him. They do not know the present residence of Sri Dokku Phaneendra Prasad. As verified from the records, Sri Dokku Ganapathi studied 5th class in the year 1968 and DOB is 15.4.1956 and his caste was mentioned as “Beda Jangam” S.C. issued by the then Tahsildar, Tuni.
4. The RDO, Paddapuram has reported that during his enquiry it was revealed that the report submitted by the then RDO on 08.01.2015 is Confirmed.
5. The District Collector, East Godavari has stated that as per the clarification issued on the back ground of Beda (Budga) Jangam vide Memo No.543/12/84-1, Social Welfare (J) Dept., dt:03.04.1984, they were recorded as traditional hunters & fowlers. They are Cultivators/Agricultural workers found only in few villages in the combined State of Andhra Pradesh and said to be living in the outside of the main village and are said to have the disability of untouchability.
6. Finally, the District Collector, East Godavari has reported that there are no tenable grounds in the appeal petition filed by Sri Dokku Phaneedra Prasad, S/o Suryanarayana, against the orders of the District Collector, East Godavari deserves no consideration in this appeal case, and liable for dismissal.

III. During the course of hearing of the case, the appellate authority has observed that;

1. the appellant has submitted his arguments as per his grounds in appeal petition and stated that the lower authority has not followed any guidelines and procedures prescribed by the Court/Government in deciding his community and without giving any weightage to the documentary evidences submitted by him and principles of natural justice as per constitutional norms.
2. Sri Dokku Suryanarayana father of Sri Dokku Phaneendra Prasad worked as Secondary Grade Teacher and his caste was recorded as **Jangam** in his service register whereas the caste of Sri Dokku Phaneendra Prasad was recorded as Jangam Devara in his school records. In the year 1982, at the time of admission into B.E course, the appellant has obtained Beda (Budga) Jangam caste certificate from the Tahsildar, Kotananduru for reservation purpose. Subsequently, obtained an Integrated Caste Certificate from the Revenue Divisional Officer, Peddapuram in the year 2007. The Jangam/ Jangam Devara caste comes under Backward Classes Community. The Appellant has also obtained Scheduled Caste certificate to his daughter Dokku Tejaswi Surya Sai Gayatri fraudulently and obtained Engineering seat in JEE-2014 from NIT, Suratkal, Karnataka State under SC reservation category.
3. On verification of the documents and the grounds of appeal and para-wise remarks as well as the other documents and material available on the record, it appears that the removal of area restrictions in respect of Beda (Budga) Jangam community in the year 1976 (it confined to only Hyderabad State as per Constitution (Scheduled Castes) Order, 1950), was misused by Jangam community and got the Scheduled Caste certificates due to similarity of the names of the two communities. It is evident from the reports that the appellant and his forefathers lived in the main village and not outside the village or in the-

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Scheduled Caste locality and they did not suffer untouchability and further, they are called as Jangam Devaras by the villagers. So on this count also they can't be classified as Beda (Budga) Jangam.

4. It is noticed that except the contention that the lower authority has not followed any guidelines and procedures prescribed by the Court/Government in deciding his community and without giving any weightage to the documentary evidences submitted by him and principles of natural justice as per constitutional norms; nothing was placed for appreciation of the case of the appellant and he has failed to produce any evidence that he belongs to Beda (Budga) Jangam Community. As per the act, the burden of proof lies with the appellant that he belongs to a particular caste and it is the responsibility of the appellant to produce necessary evidence and documents to claim the same. In the instant case, the appellant has failed to produce any additional material more particularly the evidence of his community for re-appropriation of the case on hand. As seen from the record, the lower authority has passed the order after reasonably appreciating the evidence available on record as per law which deserves no interference. Hence, it is apparent that the appeal is devoid of any merits and there is no infirmity either in the findings of the DLSC or the learned District Collector, East Godavari. That taking into consideration the above and the material available on the record, it can be concluded that the lower authority passed the order as per law which does not deserve any interference.

7. Accordingly and in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act No16 of 1993), the Proceedings in R.Dis.No.C5/249/2014, dated 08.01.2018 of the District Collector, East Godavari is hereby upheld and the Appeal Petition filed by Sri Dokku Phaneedra Prasad, S/o Suryanarayana and his daughter Kum. Dokku Tejaswi Surya Sai Gayathri is hereby dismissed and the Certificates issued by the competent authorities are deemed to be cancelled.

8. The District Collector, East Godavari is directed to take necessary consequential action in the matter as per rules in force.

9. The records(containing Rc.C5(M)/249/2014, dt:05.06.2018 in volume-I containing CF: 1-778 pages and volume II containing CF: 779-1067 & NF: 1-43 pages received from the District Collector, East Godavari through the reference 4th read above, are returned herewith in original to the District Collector, East Godavari and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. RAJSEKHAR
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To
The District Collector, East Godavari (we)
(With original records) (BY RPAD)

Sri Dokku Phaneedra Prasad, Principal,
S/o Suryanarayana,
Government Polytechnic,
Visakhapatnam District.

Kum Dokku Tejaswi Surya Sai Gayathri
D/o D. Phaneedra Prasad,
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East Godavari Dist.

Copy to:

The Skill Development & Training (TE) Department,
A.P. Secretariat, Velagapudi.
The Commissioner of Technical Education, A.P., Vijayawada.
The Director, National Institute of Technology Karnataka,
Srinivasnagar PO, Surathkal, Karnataka State,
Mangalore-575025.
The OSD to Hon'ble Minister(SW).
The PS to Principal Secretary(FAC) (SW).

// FORWARDED::BY ORDER //

SECTION OFFICER